

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 05-1687 (DSD/SRN)

Amanda U. Ajuluchuku,

Plaintiff,

v.

**ORDER**

U.S. Bancorp,

Defendant.

This matter is before the court upon plaintiff's objections to the report and recommendation of Magistrate Judge Susan Richard Nelson dated April 24, 2006. In her report, the magistrate judge concluded that defendant's motions to dismiss the complaint be granted.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Plaintiff filed this action on August 8, 2005, seeking eight trillion dollars in compensatory and punitive damages for alleged violations of the Americans with Disabilities Act ("ADA") and the Civil Rights Act of 1964. Plaintiff also asserts state law claims of fraud and emotional distress.

In her report and recommendation, the magistrate judge liberally construed plaintiff's pro se complaint. See Atkinson v. Bohn, 91 F.3d 1127, 1128 (8th Cir. 1996). In doing so, the magistrate judge concluded that plaintiff's ADA and Civil Rights Act claims are subject to dismissal because compensatory and

punitive damages are not recoverable under either statute. Alternatively, the magistrate judge reasoned that plaintiff would not have Article III standing to pursue injunctive relief under either statute and therefore those claims would also be subject to dismissal even if plaintiff had properly pleaded injunctive relief. As to plaintiff's state law claims, the magistrate judge determined that, under either Nevada or Washington law, plaintiff has failed to plead a cognizable claim of fraud, negligent infliction of emotional distress or intentional infliction of emotional distress. Accordingly, the magistrate judge also recommended dismissal of plaintiff's state law claims.

In her report and recommendation, the magistrate judge also addressed plaintiff's motion to reclassify and multiple motions for default judgment. The magistrate judge correctly found that plaintiff's motion to reclassify the civil cover sheet has no legal significance to the causes of action that plaintiff pleaded in her complaint. Lastly, plaintiff's motions for default judgment are in disregard of defendant's right to file a motion to dismiss under Federal Rule of Civil Procedure 12.

The court finds that the report and recommendation of the magistrate judge is well reasoned and correctly recommends dismissal of plaintiff's claims. Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant's motion to dismiss the complaint and amended motion to dismiss the complaint [Doc. Nos. 13 and 27] are granted.
2. Plaintiff's motions for default judgment [Doc. Nos. 6, 7, 8 and 12] are denied.
3. Plaintiff's motion to reclassify [Doc. No. 43] is denied.
4. Plaintiff's motion to view [Doc. No. 53] is denied as moot.
5. This matter is dismissed with prejudice.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 8, 2006

s/David S. Doty  
David S. Doty, Judge  
United States District Court